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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.140 OF 1994

The Commissioner of Income tax ..Applicant.

V/s.

M/s.Hiramani Hotels P. Ltd. ..Respondent.

Mr.Ashok Kotangale for applicant.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 1ST AUGUST, 2007.

P.C. :-

The following question was referred to us for our consideration:-

> " Whether, on facts and in the circumstances of the case, the Tribunal was justified in cancelling the order under section 263 passed by the C.I.T. to the effect that the Company was not engaged in the manufacture or production of any article or thing and accordingly, it was not entitled to investment allowance under section 32-A of the I.T. Act ? "

2. This issue is answered against the assessee in the Judgment in the case of **Indian Hotels Co. Ltd. V/s. ITO (SC)** reported in **(2000) 245 I.T.R. 538**

(S.C.) and **C.I.T. V/s. Berry's Hotels P. Ltd. (Bom.)** reported in **207 I.T.R. 615 (Bom).** In the light of that, the issue is answered in favour of the revenue and against the assessee.

3. Reference disposed of accordingly.

(F.I.REBELL0, J.)

(J.P.DEVADHAR, J.)